

HOUSE OF REPRESENTATIVES

CIVIL JUSTICE COUNCIL

Representative Johnnie B. Byrd, Jr., Council Chair

2000 SUMMARY OF PASSED LEGISLATION



CLAIMS COMMITTEE

Representative Gaston I. Cantens, Chair

Representative Anthony C. Hill, Vice Chair

FAMILY LAW & CHILDREN COMMITTEE

Representative Beryl D. Roberts, Chair

Representative Nancy C. Detert, Vice Chair

JUDICIARY COMMITTEE

Representative Johnnie B. Byrd, Jr., Chair

Representative Allan G. Bense, Vice Chair

REAL PROPERTY & PROBATE COMMITTEE

Representative J. Dudley Goodlette, Chair

Representative Gus Michael Bilirakis, Vice Chair

TABLE OF CONTENTS

Claims Committee

SB 8 -- Relief of William and Susan Mock/St. John's County	1
CS/SB 10, 1st ENG. -- Relief of Elizabeth & Frederick Schnell/Department of Highway Safety and Motor Vehicles	1
SB 12 -- Relief of Frank & Marlene Ruck/Miami-Dade County	2
SB 32, 1st ENG. -- Relief of J.C. Wendehake/Port St. Lucie	2
CS/SB 38, 1st ENG. -- Relief of Fred Fedorka/Volusia County	3
HB 1501 -- Relief of Virgilio & Anagely Chavez/North Broward Hospital District	3
HB 1553 -- Relief of Elizabeth Menendez/Palm Beach County Sheriff's Department	4
HB 1555 -- Relief of Clarice Holland/South Broward Hospital District	4
HB 1557 -- Relief of Jason & Donna Crosby/City of Tallahassee	5
HB 2277 -- Relief of Earl Spencer/Ft. Lauderdale	5

Family Law & Children Committee

SB 794 -- Underage Witness Protection	6
CS/CS/HB 855, 2nd ENG. -- Child Welfare	6
CS/HB 1037, 1st ENG. -- Public Records/Domestic Violence	7
CS/HB 1039, 2nd ENG. -- Domestic Violence	7
CS/HB 1901 -- Child Protection/ Abandoned Newborns	8
SB 2082, 2nd ENG. -- Public Records/Abandoned Newborns	8

Judiciary Committee

HB 17 -- Thomas Barkdull District Courthouse	10
HB 135 -- Citizen Participation in Government Act	10
CS/SB 154 -- Florida Vexatious Litigant Law	11
CS/SB 1212 -- Judiciary	12
HB 1551 -- Pinellas County/Juvenile Welfare Board	14
CS/SB 1752 -- Florida Statutes	15
CS/SB 1778 -- Florida Statutes	16
SB 2104, 1st ENG. -- Elections/Ballot Statement & Title	17
CS/SB 2368, 1st ENG. -- Traffic Control	18

Real Property & Probate Committee

CS/SB 326, 1st ENG. -- Real Estate Brokers/Escrow Funds	20
CS/CS/HB 593, 1st ENG. -- Homeowners' Assoc., & Condominiums	21
CS/HB 599, 1st ENG. -- Trusts/Perpetuities	21

CS/SB 680 -- Condominiums/Unpaid Assessments	22
CS/SB 1230 -- Eminent Domain/Municipalities	23
SB 1750 -- Florida Statutes	23
CS/SB 2190, 2nd ENG. -- Business Entities/Merger/Conversion	24

Claims Committee

SB 8 -- Relief of William and Susan Mock/St. John's County

By Holzendorf

Linked Bill(s): None

Related Bill(s): HB 1497

Committee(s) of Reference: Comprehensive Planning, Local & Military Affairs

This is an equitable claim for \$170,000 as a result of a settlement wherein St. John's County agreed to compensate Mr. and Mrs. Mock for injuries Mr. Mock sustained as a result of a collision between a St. John's ambulance and the motorcycle driven by Mr. Mock.

Approved by the Governor on April 20, 2000; the effective date of this bill is October 1, 2000.

CS/SB 10, 1st ENG. -- Relief of Elizabeth & Frederick

Schnell/Department of Highway Safety and Motor Vehicles

By Transportation; Myers

Linked Bill(s): None

Related Bill(s): HB 185

Committee(s) of Reference: Transportation; Fiscal Resource

This is an excess judgment claim based on a jury verdict and supported by a settlement agreement in which the DHSMV agreed to compensate the claimants in the amount of \$9,750,000 for permanent and catastrophic injuries sustained by the claimants as a result of a head-on collision between the claimant's vehicle and a vehicle driven by a state trooper.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

**SB 12 -- Relief of Frank & Marlene Ruck/Miami-Dade County
By Silver**

Linked Bill(s): None

Related Bill(s): HB 1499

Committee(s) of Reference: Judiciary; Fiscal Resource

This is a claim for \$800,000 based upon a \$1 million settlement between the claimants and Miami-Dade County, under which the county agreed to compensate the claimants for damages resulting from the death of their adult son, who was struck by a county-operated bus while riding a bicycle.

Approved by the Governor on April 20, 2000; the effective date of this bill is April 20, 2000.

**SB 32, 1st ENG. -- Relief of J.C. Wendehake/Port St. Lucie
By Dawson**

Linked Bill(s): None

Related Bill(s): CS/HB 529

Committee(s) of Reference: Comprehensive Planning, Local and Military Affairs;
Fiscal Resource

This is a claim for \$75,000 based on a settlement agreement wherein the City of Port St. Lucie agreed to compensate the claimant for injuries he sustained as a passenger in a vehicle that collided with a city police vehicle.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/SB 38, 1st ENG. -- Relief of Fred Fedorka/Volusia County

By Judiciary; Burt

Linked Bill(s): None

Related Bill(s): HB 2279

Committee(s) of Reference: Judiciary; Fiscal Resource

This is a claim for \$800,000 based on a settlement agreement wherein Volusia County agreed to compensate Fred Fedorka in his individual capacity and as executor of his wife's estate for injuries sustained as a result of a county employee's negligent operation of a county vehicle on U.S. A1A in Volusia County.

Approved by the Governor on April 20, 2000; the effective date of this bill is April 20, 2000.

**HB 1501 -- Relief of Virgilio & Anagely Chavez/North Broward
Hospital District**

By Claims

Linked Bill(s): None

Related Bill(s): SB 20

Committee(s) of Reference: Claims (PCB CL 00-04)

This is a \$600,000 claim based on a settlement agreement in which the North Broward Hospital District has agreed to compensate the claimants for injuries and damages sustained as a result of the death of Cruz Chavez, who was the wife of Virgilio and mother to Anagely Chavez, in an incident of hospital malpractice.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 1553 -- Relief of Elizabeth Menendez/Palm Beach County

Sheriff's Department

By Claims

Linked Bill(s): None

Related Bill(s): SB 16

Committee(s) of Reference: Claims (PCB CL 00-03)

This is a \$2.4 million claim based on a settlement agreement wherein the Palm Beach County Sheriff's Department agreed to compensate Elizabeth Menendez for damages sustained as a result of the negligence of the Palm Beach County Sheriff's Office in a high speed chase.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 1555 -- Relief of Clarice Holland/South Broward Hospital

District

By Claims

Linked Bill(s): None

Related Bill(s): SB 26

Committee(s) of Reference: Claims (PCB CL 00-05)

This is a claim for \$1,682,500 based on a settlement agreement in which the South Broward Hospital District agreed to compensate the claimant for the wrongful death of Sidney Holland, Jr., for injuries and damages sustained in an incident of hospital malpractice.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

**HB 1557 -- Relief of Jason & Donna Crosby/City of Tallahassee
By Claims**

Linked Bill(s): None

Related Bill(s): SB 40

Committee(s) of Reference: Claims (PCB CL 00-08)

This is a claim for \$200,000 based on a settlement agreement in which the City of Tallahassee agreed to compensate Jason Crosby and his mother, Donna Crosby, for damages sustained by Jason Crosby as a result of the negligence of the Tallahassee Police Department in a high speed chase.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

**HB 2277 -- Relief of Earl Spencer/Ft. Lauderdale
By Claims**

Linked Bill(s): None

Related Bill(s): SB 28

Committee(s) of Reference: Claims (PCB CL 00-06)

This is a claim for \$600,000 based upon a settlement agreement in which the City of Ft. Lauderdale agreed to compensate the claimant for damages he sustained as a result of a city detective's negligence in a car crash.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

Family Law & Children Committee

SB 794 -- Underage Witness Protection

By Saunders

Linked Bill(s): None

Related Bill(s): HB 1107

Committee(s) of Reference: Judiciary

The bill requires the judge to take special care to protect a witness under the age of 14 from questions that are in a form that cannot reasonably be understood by a person of the age of understanding of the witness. The bill also requires the judge to restrict unnecessary repetition of questions. The bill also provides that a discussion or activity that is not a meeting for purposes of s. 286.011 shall not be construed to waive the attorney-client privilege established in s. 90.502.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2000.

CS/CS/HB 855, 2nd ENG. -- Child Welfare

By Family Law & Children; Murman

Linked Bill(s): None

Related Bill(s): CS/CS/SB 730, CS/SB 1910

Committee(s) of Reference: Family Law & Children; Law Enforcement & Crime Prevention; Health & Human Services Appropriations (withdrawn)

The bill amends and expands a number of provisions related to child protection. The bill provides for the release of voice recordings of calls to or by the central abuse hotline to law enforcement and state attorneys for certain specified purposes. The Department of Children and Family Services is required to immediately forward allegations of criminal conduct to law enforcement and law enforcement is required to review information received from the department to determine whether a criminal investigation is warranted. The term "criminal conduct" is defined. The bill contains provisions related to child protection teams and foster care. The bill repeals Section 1 of chapter 99-186, Laws of Florida, which refers to the Kayla McKean Child Protection Act.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/HB 1037, 1st ENG. -- Public Records/Domestic Violence

By Family Law & Children; Pruitt

Linked Bill(s): CS/HB 1039

Related Bill(s): None

Committee(s) of Reference: Family Law & Children; Law Enforcement & Crime Prevention; Governmental Operations; Criminal Justice Appropriations (withdrawn)

The bill provides that records that are otherwise confidential and exempt from public records law will not lose their exemption solely because the records are disclosed to a domestic violence fatality review team. Any portion of reports produced by a review team which contains information that is confidential and exempt shall remain confidential and exempt. Proceedings and meetings held by such teams are also exempt from public meeting requirements. The bill provides for a sunset review and a statement of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2000.

CS/HB 1039, 2nd ENG. -- Domestic Violence

By Committee on Family & Children; Pruitt

Linked Bill(s): CS/HB 1037, 1st ENG.

Related Bill(s): CS/SB 1124, HB 1579

Committee(s) of Reference: Family Law & Children; Law Enforcement & Crime Prevention; Governmental Operations; Criminal Justice Appropriations (withdrawn)

The bill allows for the establishment of domestic violence fatality review teams, on a local, regional, or state level, to review fatal and near fatal incidents of domestic violence, related domestic violence matters, and suicides in order to evaluate both the incidents and ways to prevent such incidents. The bill defines "domestic violence fatality review team", provides for membership of the teams, provides the purpose of such teams and specifies what information the teams may gather. The Governor's Task Force on Domestic Violence shall provide technical assistance to local domestic violence fatality review teams. The bill also contains the substance of HB 1579 which

creates a certified domestic violence capital improvement grant program, provides a mechanism for the disbursement of funds to certified domestic violence centers and prescribes the allowable uses of the funds. A needs assessment instrument is to be developed and administered on an annual basis.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2000.

CS/HB 1901 -- Child Protection/ Abandoned Newborns

By Family Law & Children; Murman

Linked Bill(s): HB 1903

Related Bill(s): CS/SB 2080

Committee(s) of Reference: Family Law & Children; Crime & Punishment; Health & Human Services Appropriations (withdrawn)

The bill allows a parent to abandon a newborn infant at a hospital or fire station anonymously and with immunity from prosecution under certain circumstances. The bill provides a process for the acceptance, emergency treatment, transfer of custody, termination of parental rights, and adoption in cases of unclaimed abandoned newborn infants. It sets forth responsibilities for fire stations and emergency medical technicians, hospitals, licensed child-placing agencies, and the Department of Children and Family Services. It provides a process for parents to reclaim or claim an abandoned newborn under certain circumstances.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2000.

SB 2082, 2nd ENG. -- Public Records/Abandoned Newborns

By Grant

Linked Bill(s): CS/HB 1901, CS/SB 2080

Related Bill(s): HB 1903

Committee(s) of Reference: Judiciary; Rules and Calendar

The bill exempts information that would identify parents who leave newborns at hospitals or fire stations from public records requirements. The bill also provides for sunset review and for a statement of public necessity related to the exemption.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2000.

Judiciary Committee

HB 17 -- Thomas Barkdull District Courthouse

By Cosgrove & others

Linked Bill(s): None

Related Bill(s): None

Committee(s) of Reference: Judiciary

HB 17 provides that the courthouse of the Third District Court of Appeal in the State of Florida be designated as the “Thomas H. Barkdull, Jr., District Courthouse” in recognition of Judge Barkdull’s long service to the State of Florida, and authorizes the Third District Court of Appeal to erect suitable markers.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

HB 135 -- Citizen Participation in Government Act

By Fasano, Fiorentino & others

Linked Bill(s): None

Related Bill(s): None

Committee(s) of Reference: Judiciary; General Government Appropriations

The bill creates the “Citizen Participation in Government Act.” Specifically, the bill places limitations upon governmental “Strategic Lawsuits Against Public Participation” (SLAPPs). The bill prohibits a state governmental entity from filing a lawsuit or other claim against a person or business entity without merit and solely because that person or business entity has exercised the right to peacefully assemble, the right to instruct representatives, or the right to petition for redress of grievances before the various governmental entities of this state.

A person or business that is the subject of a SLAPP suit is entitled to an expeditious review of the SLAPP claim, and may be awarded actual damages, within the limits defined by Florida’s sovereign immunity law, for losses incurred as a result of the unlawful SLAPP suit. The person or business entity may also be awarded attorney’s fees and costs if it prevails on the SLAPP claim. Similarly, the governmental entity

may be entitled to an award of attorney's fees and costs if the court determines that the suit is not a SLAPP suit.

In addition, the governmental entity that is determined to have committed an unlawful SLAPP suit must report that fact to the Attorney General, who shall report violations of the Citizen Participation in Government Act to the Cabinet, the President of the Senate, and the Speaker of the House of Representatives.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/SB 154 -- Florida Vexatious Litigant Law

By Judiciary; Campbell

Linked Bill(s): None

Related Bill(s): HB 557

Committee(s) of Reference: Judiciary

CS/HB 154 creates the Florida Vexatious Litigant Law. The bill requires a plaintiff to furnish security in an amount sufficient to cover a defendant's reasonable expected expenses of litigation, if the defendant, upon a motion, shows the court that the plaintiff has prosecuted at least 5 civil actions, *pro se*, during the preceding 5-year period without success and that the plaintiff is not reasonably likely to prevail on the claims at hand.

If the court orders the plaintiff to furnish security and the plaintiff fails to do so, the court shall dismiss the action with prejudice as to the defendant for whose benefit the security was ordered. The bill also requires a civil action to be stayed on the filing of a motion for an order to post security, and gives a defendant 10 days to file a responsive pleading if such motion is denied or 10 days to respond after the security has been furnished.

The bill allows a court to enter a prefiling order prohibiting a vexatious *pro se* plaintiff from filing any actions in that circuit without first obtaining leave of the administrative judge of that circuit. The bill allows the court to hold persons who violate a prefiling order in contempt of court. However, a *pro se* plaintiff may proceed on his or her complaint if he or she shows that the proposed action is meritorious and is not being filed for the purpose of delay or harassment.

The bill also directs clerks of court not to file any new action by a vexatious pro se litigant unless that litigant has obtained an order from the administrative judge permitting such filing. The bill allows a defendant to file a notice that the plaintiff in an action is a vexatious plaintiff subject to a prefililing order, and such actions will be stayed pending the court's granting of leave to the plaintiff to proceed with the action. In such cases, the defendant will have 10 days to respond after service by the plaintiff of an order granting leave to maintain the action. Otherwise, the court shall dismiss the action with prejudice 10 days after the filing of the notice.

The bill requires the clerks of court to provide copies of all prefililing orders to the Clerk of the Supreme Court, which is charged with maintaining a registry of all vexatious litigants.

Finally, the bill states that the relief provided shall be cumulative to other state laws and the Florida Rules of Civil Procedure, including s. 57.105, F.S.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2000.

CS/SB 1212 -- Judiciary

By Judiciary; Laurent

Linked Bill(s): None

Related Bill(s): HB 2381, 1st ENG.

Committee(s) of Reference: Judiciary

Pursuant to the requirements of Article V, section 14 of the Florida Constitution, the Legislature is required to develop a phase-in schedule for implementation of Revision 7 in the year 2000.

This bill provides for a phase-in schedule and sets the framework for defining the essential elements of the state courts system, the public defenders' offices, the state attorneys' offices, court appointed counsel, and those court-related functions that are the responsibility of the counties for funding purposes. In addition, the bill:

- Creates the Article V Financial Accountability and Efficiency Workgroup to serve through January 15, 2001. The bill also creates a Joint Legislative

Committee on Article V to coordinate and oversee the implementation of Revision 7 to Article V of the Florida Constitution.

- Requires the Judicial Branch to comply with all statutory requirements relating to Performance-Based Program Budgeting.
- Requires the Clerks of the Circuit and County Court to provide specified information on court-related services and associated fees, costs and service charges.
- Creates a contingency fund for small counties, with populations of less than 85,000, to help with extraordinary criminal case-related costs.
- Creates pilot projects in three counties to provide reimbursement for the costs of conflict counsel. The selected counties must agree to institute cost containment and accountability processes and to provide detailed quarterly reports.
- Creates the Supreme Court Workload Study Commission to make recommendations regarding workload issues, including but not limited to the need for additional justices on the Supreme Court.
- The bill provides that any District Court of Appeal may designate other locations as branch headquarters.

The bill specifies that nothing in the act requires the state to fund any court function or court-related activity except as provided in the sections creating the contingency fund and the pilot projects. In addition, the bill specifies that the counties are required to continue to fund existing functions of the state courts system, state attorneys' offices, public defenders' offices, office of the statewide prosecutor, court appointed counsel, and the offices of the clerks of the circuit and county courts performing court-related functions, consistent with current law and practice until such time as the Legislature expressly assumes the responsibility for funding those functions.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law. However, effective date for the section of the bill providing definitions for functions and elements that will be funded by the counties is delayed until July 1, 2001.

HB 1551 -- Pinellas County/Juvenile Welfare Board

By Morroni

Linked Bill(s): None

Related Bill(s): None

Committee(s) of Reference: Judiciary; Community Affairs

HB 1551 amends section 1 of chapter 23483, L.O.F. (1945), as amended, to change the composition of the Pinellas County Juvenile Welfare Board ("Board").

The bill requires that the Board consist of eleven members as follows:

- One member shall be the county superintendent of schools
- The second member shall be a judge of the juvenile division of the circuit court
- The third member shall be the state attorney
- The fourth member shall be the public defender; and
- The fifth member shall be an appointed member of the Board of County Commissioners.

These members serve for the duration of the terms of office of their official offices.

The remaining six members, Governor appointees, are subject to Senate confirmation, and serve four-year terms.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/SB 1752 -- Florida Statutes

By Judiciary; McKay

Linked Bill(s): None

Related Bill(s): CS/HB 4017

Committee(s) of Reference: Judiciary; Rules and Calendar

This bill repeals statutes that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. CS/SB 1752 repeals the following sections of the Florida Statutes:

- 16.58(2)(g), relating to a court reporter pilot program.
- 25.074, relating to the assignment of judges to geographical areas.
- 25.081, relating to the Supreme Court seal.
- 34.01(1)(c)1.-3. and a portion of paragraph 4., relating to the jurisdictional amounts for county court actions.
- 35.09, relating to the district courts of appeal seal.
- 46.015(4), relating to covenants not to sue.
- 46.051(6)(b), relating to the joinder of parties in products liability cases.
- 57.111(6)(b), relating to civil actions initiated by state agencies.
- 60.02, relating to injunctions.
- 92.55(1), relating to victims and witnesses.
- 112.3217(4), relating to lobbying.
- 120.574(2)(g), relating to a register of formal hearings.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/SB 1778 -- Florida Statutes

By Judiciary; McKay

Linked Bill(s): None

Related Bill(s): HB 4063

Committee(s) of Reference: Judiciary; Rules and Calendar

CS/SB 1778 repeals the following sections of the Florida Statutes:

- 766.106(13), relating to medical malpractice presuit requirements.
- 768.151, relating to sovereign immunity.
- 768.27, relating to the effective date of the Wrongful Death Act. The only section of the Wrongful Death Act that is being repealed is the section providing an effective date for the Act. The repeal of the effective date does not imply that the entire Wrongful Death Act is being repealed as the intent is only to delete a provision from the Act that is no longer relevant as there are no causes of action that could have accrued before the effective date of the Act (i.e. July 1, 1972) that would not be barred by the applicable statute of limitations.
- 768.30, relating to sovereign immunity in tort actions. This section provides an effective date for the waiver of sovereign immunity contained in s. 768.28, F.S.. The repeal of the effective date does not imply that the waiver of sovereign immunity in s. 768.28, F.S., is also being repealed as the intent is only to repeal a provision that is no longer relevant as there are no causes of action that could have accrued before the effective dates of July 1, 1974, and January 1, 1975, that would not be barred by the applicable statute of limitations.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

SB 2104, 1st ENG. -- Elections/Ballot Statement & Title

By Webster

Linked Bill(s): None

Related Bill(s): CS/HB 1955, 1st ENG.

Committee(s) of Reference: Ethics and Elections

SB 2104 changes the requirements for ballot summaries for constitutional amendments proposed by the Legislature. Section 101.161, F.S., requires that the substance of the amendment be an explanatory statement of the chief purpose of the measure, not exceeding 75 words in length. The bill provides an exception to the ballot summary requirements for constitutional amendments proposed by the Legislature by joint resolution. The bill retains the requirements for ballot summaries for constitutional amendments proposed by other means and for local referendum issues.

The bill also changes the ballot language that will be used to determine whether circuit and county judges are selected by election or merit selection. Current language simply asks whether judges should be selected by merit selection. The ballot language created by this bill asks voters whether they would rather have judges chosen by election or by selection by a judicial nominating commission and appointment by the Governor.

Finally, the bill provides that candidates for circuit judge will be listed on the ballot in an order determined by lot by the Department of State. Under current law, circuit judge candidates are listed alphabetically.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2000.

CS/SB 2368, 1st ENG. -- Traffic Control

By Transportation; King

Linked Bill(s): None

Related Bill(s): CS/HB 1723

Committee(s) of Reference: Transportation

CS/SB 2368 requires law enforcement officers to issue a copy of the Traffic School Reference Guide each time the officer issues a traffic citation. The bill removes the limit on the number of times a person who receives a traffic citation can elect to attend traffic school in lieu of a court appearance.

The bill requires traffic schools to assess \$2.50 to each person who is court ordered to attend the school. Currently, the fee is only assessed on persons who elect to attend the school in lieu of a court appearance.

The bill provides that the Department of Highway Safety and Motor Vehicles shall screen crash reports and require persons involved in a crash causing damage of \$2500 or more who were convicted or pleaded nolo contendere to a traffic offense relating to the crash to attend a basic driver improvement course.

The bill creates a new statute to require the Department of Highway Safety and Motor Vehicles to screen reports of convictions for violations of chapter 316 for two classes of operators:

- (1) Operators under 21 who have been convicted of, or pleaded nolo contendere to, a noncriminal moving infraction and have also been convicted of, or pleaded nolo contendere to, another noncriminal moving infraction since initial license issuance; and
- (2) Operators who have been convicted of, or pleaded nolo contendere to, more than one noncriminal moving infraction in a twelve month period.

The Department of Highway Safety is required to notify operators identified by this screening that the operators are required attend a basic driver improvement course within 90 days. If the operator fails to complete the course, the operator's license is canceled until the course is completed.

The bill repeals the requirement that motor homes not exceed 40 feet in length and permits motor homes to be any length permitted by statute.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2000.

Real Property & Probate Committee

CS/SB 326, 1st ENG. -- Real Estate Brokers/Escrow Funds By Regulated Industries; Saunders

Linked Bill(s): None

Related Bill(s): CS/CS/HB 445

Committee(s) of Reference: Regulated Industries

This act allows a real estate licensee to return property held in escrow to the buyer of a residential condominium who validly rescinds the purchase contract without the licensee obtaining a signed release from the seller and without following the statutory dispute resolution procedures.

This act requires a disclosure notice, referred to as a No Brokerage Relationship Notice, when a licensee has contact with a potential buyer or seller that the licensee does not represent. The notice must include a statement cautioning the person against disclosing information the person wants held confidential until representation is decided upon. The notice must also specify the licensee's duties, such as dealing honestly with all persons and properly handling funds which may be placed in the licensee's care.

This act also clarifies that the appraisal statutes do not apply to a licensee who gives an opinion of the value of real estate.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2000.

CS/CS/HB 593, 1st ENG. -- Homeowners' Assoc., & Condominiums

By General Government Appropriations; Real Property & Probate; Cantens & others

Linked Bill(s): None

Related Bill(s): CS/SB 908, HB 1465, 2nd ENG., CS/SB 1286

Committee(s) of Reference: Real Property & Probate; General Government Appropriations

This act eliminates prior review by the Department of Business and Professional Regulation of timeshare advertising, reduces regulation of timeshare sales activities conducted outside of Florida; reduces liability of a successor or concurrent timeshare developer; simplifies the disclosures required of a timeshare developer; and eliminates the timeshare solicitor license program. This act also amends certain condominium provisions and clarifies accounting requirements; creates a new section on multicondominium associations; and allows transfer of limited common elements. Additionally, this act prohibits a homeowners' association from enacting restrictions against the display of the United States Flag in a respectful manner.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/HB 599, 1st ENG. -- Trusts/Perpetuities

By Real Property & Probate; Goodlette & others

Linked Bill(s): None

Related Bill(s): CS/SB 830

Committee(s) of Reference: Real Property & Probate

The Rule Against Perpetuities requires that a property interest must vest in a person or persons entitled to the property no later than lives in being plus 21 years, or 90 years. This act modifies the Rule Against Perpetuities, as it relates to trusts, by substituting 360 years for 90 years. Accordingly, a trust may remain in existence for up to 360 years before the trust must terminate and its assets distributed among the beneficiaries.

This act further modifies trust law by providing for judicial and nonjudicial modification of a trust and allows reimbursement of costs and attorney's fees in any action for modification or termination of a trust. The bill also provides that an action to contest the validity of a trust may not be commenced until the trust becomes irrevocable. It clarifies the statutory provisions that prohibit a killer from receiving trust proceeds as a result of the victim's death. Finally, the bill creates a presumption of death applicable to trust administration that is similar to the presumption found in the probate code.

Subject to the Governor's veto powers, the effective date of this bill is December 31, 2000.

CS/SB 680 -- Condominiums/Unpaid Assessments

By Judiciary; Carlton

Linked Bill(s): None

Related Bill(s):CS/HB 251, 1st ENG.

Committee(s) of Reference: Regulated Industries; Judiciary

A purchaser of a condominium unit is jointly and severally liable with the previous owner for all outstanding condominium association assessments which are due at the time of purchase. Persons who are "jointly and severally liable" are each independently responsible for the full amount of the debt and may be sued jointly or separately for recovery. However, a first mortgagee, or its successor or assignee, who takes title of a condominium unit by foreclosure or deed in lieu of foreclosure, has limited liability for outstanding association assessments.

This act defines a "successor or assignee" as "a successor holder of the first mortgage." Accordingly, a person purchasing a condominium unit other than a successor holder of the first mortgage is jointly and severally liable with the previous owner of the condominium unit for all condominium association assessments due at the time of purchase.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2000.

CS/SB 1230 -- Eminent Domain/Municipalities

By Comprehensive Planning, Local and Military Affairs; Silver

Linked Bill(s): None

Related Bill(s): HB 655

Committee(s) of Reference: Comprehensive Planning, Local and Military Affairs

This act provides that a municipality may obtain lands by eminent domain to be conveyed by the municipality to the school board of the school district for the county within which the municipality is located. The school board must request, in writing, that the municipality obtain such lands for conveyance to the school board and must promise to use its best efforts to establish a public school thereon. This section of the act expires January 1, 2003.

This act further allows a certain hospital district to take possession and title to real property prior to entry of a final judgment in any eminent domain action. This section of the act expires July 1, 2003.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

SB 1750 -- Florida Statutes

By McKay

Linked Bill(s): None

Related Bill(s): CS/HB 4015

Committee(s) of Reference: Judiciary; Rules and Calendar

This bill repeals statutes that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. SB 1750 repeals the following sections of the Florida Statutes:

- 55.08, 55.09, and 55.101, relating to judgments and decrees becoming liens in certain circumstances.
- 74.121, relating to eminent domain proceedings.
- 95.022, relating to limitations of actions.

- 196.011(13), relating to ad valorem taxation of charitable organizations for 1994.
- 198.331, relating to application of certain lien provisions to decedent estates.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/SB 2190, 2nd ENG. -- Business Entities/Merger/Conversion
By Judiciary; Saunders
Linked Bill(s): None
Related Bill(s): HB 1569

Committee(s) of Reference: Judiciary

This act eliminates the requirement that title to real property that transfers by merger or conversion of a business entity be conveyed by recordation of a deed; provides that title to real property owned by a business entity that merged prior to the effective date of the act is vested in the surviving entity; and provides that the naming conventions required for a company's legal name are inapplicable to registration of that company's fictitious name.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.